IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 11194 of 2005

Between:

K. Veera Raghava Chowdary, S/o. K. Sambasiva Rao,
R/o. 1-126, Gosala, Vanukuru Post, PIN - 521 155, Krishna District.

..... PETITIONER

AND

1 Nizam's Institute of Medical Sciences, Represented by its Executive Registrar, Punjagutta, Hyderabad.
2 The Director, Nizam's Institute of Medical Sciences, Punjagutta, Hyderabad.
3 Dr. A. Syama Sundar, Student of Post Graduate in Anesthesiology, Department of Anesthesiology, Kakatiya Medical College, M.G.M. Hospital, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus as under: a) Declare the action of the respondents 1 & 2 in denying admission in favour of the writ petitioner into M.D. Anesthesiology Course for the academic year 2005-2006 in the 1st respondent institute in unconstitutional; b) Also declare the action of the respondents 1 and 2 in granting provisional admission into M.D. Anesthesiology course for the academic year 2005-2006 in favour of the 3rd respondent herein as bad in law and un-enforceable c) Consequently direct the respondents 1 and 2 to treat and consider the writ petitioner to have been granted admission into M.D. Anesthesiology course for the academic year 2005-2006 in the 1st respondent institute and accordingly permit him to pursue and prosecute the said course.

Counsel for the Petitioner:MR.NUTY RAM MOHAN RAO

Counsel for the Respondents 1 and 2: The Advocate General

Counsel for the Respondent No.3: MR.V.V.PRABHAKARA RAO

MR. G.VIDYASAGAR

The Court at the admission stage made the following ORDER:

Heard both sides.

Admittedly, out of four seats, one seat shall be reserved to the candidate from Andhra University area, second seat shall be reserved to the candidate from Osmania University area, third seat shall be reserved to the candidate from Sri Venkateshwara University area and the last seat i.e., unreserved, shall be allotted for the meritorious candidate. The first candidate, who was given admission, belongs to Osmania University area and the third and fourth candidates belong to Andhra University area.

It is not in dispute that the petitioner belongs to Andhra University area. If the contention of the learned counsel for the petitioner is accepted as true and correct, out of four seats, three seats will be filled with the candidates from Andhra University area only, which is contrary to the Presidential Order. Therefore, the interim order dated 10-05-2005 passed by this Court is hereby vacated.

The mandamus cannot be given to the respondents directing them to act contrary to the Presidential Order since the procedure in selecting the third and fourth candidates has not been challenged.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(K.C.BHANU, J)

24th MAY, 2005.

Note: furnish c.c. by today.

B/o

kvni/vgb

To

1 The Executive Registrar, Nizam's Institute of Medical Sciences, Punjagutta, Hyderabad.
2 The Director, Nizam's Institute of Medical Sciences, Punjagutta, Hyderabad.
3 Two CD copies.

4 The Advocate General, High Court Buildings, Hyderabad.